

**From:** Rochlin, Kevin  
**Sent:** Thursday, December 12, 2013 7:58 AM  
**To:** Zavala, Bernie  
**Cc:** Greutert, Ed [USA]; Rochlin, Kevin  
**Subject:** FW: Tribes comments to EPA responses for FMC responses to EPA comments dated and received September 13 (2)  
**Attachments:** Tribes comments to EPA responses for FMC responses to EPA comments dated and received September 13 (2).docx

Bernie,

The Tribes have provided additional information on the groundwater comments. These went out already, but their comments are part of what we are talking to FMC about. Take a look and lets talk.

Kevin

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**From:** Kelly Wright <kwright@sbtribes.com>  
**Sent:** Thursday, December 12, 2013 7:47 AM  
**To:** Rochlin, Kevin  
**Cc:** susanh@ida.net; Virginia Monsisco  
**Subject:** Tribes comments to EPA responses for FMC responses to EPA comments dated and received September 13 (2)

Kevin, looking at the response to comments, the Tribes are providing some additional information for consideration. Please call me at 208.236.1049 if you have any further questions. We look forward to the upcoming activities.

Thanks

Kelly



**Shoshone- Bannock Tribes specific comments/ responses:**

The Tribes maintain their position on General Comment. We reserve the right to re-evaluate the groundwater model report and assumptions derived from that report including parameters selected for flow and contaminant transport models, assess reasonableness of predicted parameters, and gain better understanding of sorption coefficients, dispersivity and porosity.

Resolution: No change to the document is required.

**Commented [KR1]:** The Tribes may review the model. Tribes position is preserved.

The Tribes maintain production wells, irrigation wells and other wells within a defined radius should be monitored during step draw down testing.

Resolution: No change to the document is needed.

**Commented [KR2]:** EPA does not agree with this need and so does not support the comment.  
The comment is being passed along to reserve the Tribes' position.

Kevin, our rationale for this comment is that if we are pulling more water in a specific direction this is bringing in clean water to help dilute the concentration rather than treatment. Likewise, if we draw in a specific direction, are we creating a new avenue for the chemicals to be released?

Second bullet section 2.1.4. Tribes maintain this statement should be added. The statement is accurate.

Resolution: The Tribes' statement needs to be added to the document.

The Tribes maintain their request on sampling prior to any water being discharged on Tribal lands or State lands. The Tribes do not agree with FMC response that aluminum, antimony, beryllium, cadmium, copper, lead, molybdenum, mercury, silver, thallium, zinc, organic compounds, and radionuclides are not FMC related contaminants. The Tribes believe these are FMC related contaminants as shown historically in the sampling efforts.

Resolution: The water will need to be sampled prior to discharge. Per EPA's previous comment, EPA is not sure how water will be stored prior to discharge. How this comment is addressed is dependent on how FMC will be discharging the water onsite.



**IDEO Comments**

1. Page B-14, section B.4.1.1, step 9 and section B.4.2.1 step 2:

This discussion leads the reader to conclude the data loggers will be set after the start of pumping, resulting in the loss of early time data. Please revise the text to clearly state data loggers are to be set prior to the start of pumping.

Resolution: The statement needs to be clarified in the document.

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Tribes response to EPA comments.

- **Response 2:** The Tribes request an expanded Field analyses to include all COC rather than indicator constituents on a specified number of samples.  
Do we want this to be done now or as part of groundwater monitoring? EPA is requiring sampling prior to discharge is it is “do-able”. Currently not sure how FMC will store the volume that is collected.

Tribes response would be to ensure that at first we do a full suite of chemical analyses so we know exactly what the concentrations are that we are dealing with. This would show that the pump and treat process is working as projected. As with most pilot projects or startups, EPA should have factual data not process knowledge. FMC has misled many of the different projects to date so it would be justifiable for a full suite. Having worked in other areas that had to collect groundwater and hold until analytical results verified that they were not hazardous has been done regardless if the environment around the sampling area was already contaminated.

- **Response 8:** Why is FMC resisting to using a roto-sonic drilling method? FMC calls out Air rotary casing hammer or percussion drilling methods why does EPA want one over the other?  
Roto gets better sample core for logging. EPA wants roto sonic.

Okay, Tribes was not aware of the differences and this provides the necessary information as to why roto sonic is a better process.

- **Response 12:** Tribes do not agree with waste determination based on process knowledge. Sampling and analyses should be followed and include all chemicals of concern as well as radiological parameters. Specific details should be provided on how and where water will be used on site prior to any discharges.

Groundwater discharge and well short circuit issue if close to wells. Water cannot be discharged in a manner that could impact surface water. Water not hazardous waste. From a regulatory standpoint, the issue is whether the water would cause



**soil contamination (this is regardless of whether soil is already contaminated.) EPA is concerned on logistics of what will be done. Sampling will be done if practicable.**

Kevin, the Tribes understand that we are working with groundwater but depending upon what chemicals are detected through analyses, the water could be considered as a hazardous waste. Prime example of this would be the groundwater at Simplot exceeds cadmium and chromium so it's treated as a hazardous waste which would be the same case here if specific constituents i.e., arsenic, exceed the regulatory limits. Groundwater sampling is always practicable.